

October 22, 2014

VIA RESS AND COURIER

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli, Board Secretary

Dear Ms. Walli:

Re: EB-2014-0012 Union Gas Limited (“Union”) - Hagar Liquefaction Service

This letter is further to the letter delivered by counsel to Union dated October 21, 2014.

In its letter, Union advised for the first time that it intends to file evidence in response to Northeast Mainstream LP’s (“Northeast”) motion on Thursday, October 23, 2014.

Union then proposes a schedule that would have the motion proceed two business days after its evidence is delivered and without Northeast having an opportunity to fully consider that evidence and potentially file any reply evidence, if necessary, and without the parties or the Board having the benefit of written legal submissions being filed prior to the hearing of the motion. With respect, Northeast submits that such a timetable fails to present a “clear and fair” process to all parties or to the Board.

Northeast, will, of course, abide by any schedule set by the Board but in light of Union’s advice that it intends to file evidence in response to the motion and the expected steps that may flow from the delivery of such evidence, Northeast submits that any schedule ought to include additional process steps to ensure an orderly and comprehensive hearing. Based on our experience in other contested motions, a representative schedule could look as follows:


- (a) Union to file responding evidence by October 23, 2014;
- (b) Northeast to file any reply evidence by October 30, 2014;
- (c) any cross-examinations on the affidavits filed by the parties might be conducted in advance of the hearing (in the interests of economy of time) by November 7, 2014;
- (d) Northeast to file written submissions (factum) by November 14, 2014;

- (e) Union to file responding written submissions (factum) by November 21, 2014;
- (f) any reply written submissions of by Northeast would be filed by November 26, 2014;
and
- (g) the motion would be scheduled for hearing at a date and time convenient to the parties
and to the Board.

While we recognize that a schedule along the lines above might necessitate a short adjournment of the hearing dates currently scheduled for October 27, 28 and 30, 2014, Northeast feels that a short delay should be acceptable in all of the circumstances and that there will be no prejudice to any of the parties caused by such delay.

Northeast agrees with Union's submission that both the motion and the application are "fundamentally intertwined", however, it does not feel that the Board should proceed with the rate hearing before the motion is determined. In the event that the Board decides to grant Northeast's motion, the rate hearing may not need to proceed thereby saving costs and time for all of the parties and for the Board.

Yours very truly,


for: David E. Lederman
DEL/kw

Copy: Charles Keizer, Torys (by e-mail)
Michael Millar, Legal Counsel, Ontario Energy Board (by e-mail)
Intervenors (by e-mail)